

Appl. No.: 10/023,284  
Amdt. dated: 12/21/2004  
Reply to Office Action of August 16, 2004

### **REMARKS**

Upon entry of the instant amendment, claims 1-5, 7-12, 14, 15, 17-19, 21-24 are pending. Claims 6, 13, 16, and 20 have been cancelled. Claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 17, 18, 19, 22, and 23 have been amended. In addition, minor changes have been made to the specification to put it more in line with the suggestions on page 2 of the Detailed Action. In particular, various of the captions have been amended as well as a new caption added. A substitute specification is included showing the changes underlined. It is respectfully submitted that no new matter has been added. Based on the amendment and the remarks that follow, it is respectfully submitted that the application is in condition for allowance.

### **CLAIM REJECTIONS – 35 U.S.C. § 112**

Claims 1-24 have been rejected under 35 U.S.C. § 112, second paragraph, for being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, claims 1, 8, 15, 22, and 23 have been rejected as reciting an expanded portion for which there is no basis for comparison. It is respectfully submitted that the claims had been amended to overcome this rejection. Specifically, the claims now recite a pump assembly having a predetermined cross-sectional area and a shell having an expanded portion that is relatively larger than said predetermined cross-sectional area. Accordingly, it is respectfully submitted that this rejection is overcome. The examiner is respectfully requested to reconsider and withdraw this rejection.

### **CLAIM REJECTIONS – 35 U.S.C. § 102**

Claims 1-6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Smerud, et al., U.S. Patent No. 6,000,917. In order for there to be anticipation, each and every one of the elements of the claims must be found in a single reference. It is respectfully submitted that the claims, as amended, recite subject matter that it is not disclosed or suggested by the Smerud, et al. patent. For example, the claims now recite a sealed motor unit, wherein the motor has a

motor housing. The Smerud, et al. patent does not disclose or suggest a sealed shell, and relies on the hermetic shell 11 of the combination motor compressor. The Smerud, et al. patent discloses an integrally-formed motor compressor unit in which the motor is not sealed or provided with a separate housing ("Such oil is directed into an oil return passage that is at least partially defined by the stator of the compressor drive motor and the compressor shell", column 3, lines 6-8). As such, failure of the motor normally requires replacement of the entire unit. For all of the above reasons, it is respectfully submitted that the Smerud, et al. patent does not disclose or suggest the claims as recited in the claims at issue. Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Claims 1-6 have also been rejected under 35 U.S.C. § 102(b) as being anticipated by Beardmore, U.S. Patent No. 4,571,159. The Beardmore patent, like the Smerud, et al. patent, also discloses the use of an integrally-formed pump motor unit in which the motor does not have a separate housing. As mentioned above, the claims have been amended to recite that the motor unit is a sealed unit and defines its own housing. As such, there can be no anticipation. As mentioned above, the configuration as recited in the claims facilitates replacement of the motor unit without requiring the entire pump motor unit to be replaced. For these reasons and all of the above reasons, the Examiner is respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. § 102.

#### **CLAIM REJECTIONS – 35 U.S.C. § 103**

Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over either Smerud, et al. or the Beardmore patents. As suggested above, neither the Smerud, et al. nor the Beardmore, et al. patents either singly or in combination disclose a configuration which facilitates replacement of the motor unit. Indeed, should the motor fail in either of those units, the entire unit would have to be replaced in contradistinction to the configuration recited in the claims at issue in which the motor can be replaced separately. For these reasons and the above

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reasons, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim

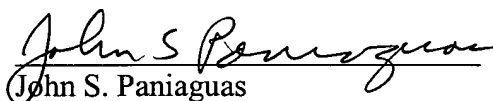
7.

Claims 8-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Beardmore patent in view of Yu, et al., U.S. Patent No. 6,739,844. The Beardmore patent has been discussed above. It is also submitted that the Yu, et al. patent does not disclose a combination pump motor unit in which the motor is provided as a sealed unit to facilitate replacements. For these reasons and the above reasons, the examiner is respectfully requested to reconsider and withdraw this rejection.

Respectfully submitted,

KATTEN MUCHIN ZAVIS ROSENMAN

By:

  
John S. Paniaguas  
Registration No. 31,051  
Attorney for Applicant(s)

Katten Muchin Zavis Rosenman  
525 W. Monroe Street  
Chicago, Illinois 60661-3693  
(312) 902-5200  
(312) 902-1061  
Customer No.: 27160